

Public Hearing – February 23, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

**Proposed Senate Bill No. 747 - AN ACT CONCERNING CONSISTENCY IN
PERMITTING REQUIREMENTS FOR ALTERNATIVE ONSITE SEWAGE
TREATMENT SYSTEMS**

Thank you for the opportunity to present testimony on Proposed Senate Bill No. 747 – AN ACT CONCERNING CONSISTENCY IN PERMITTING REQUIREMENTS FOR ALTERNATIVE ONSITE SEWAGE TREATMENT SYSTEMS. This proposal, which we oppose, would require the Commissioner of Environmental Protection to consider certain factors, referenced in section 19a-35a of the general statutes, prior to issuing an *individual* discharge permit pursuant to section 22a-430.

The factors referenced in section 19a-35a include: (1) the impact that alternative onsite sewage treatment systems may have individually or cumulatively on public health and the environment; (2) the impact that alternative onsite sewage treatment systems may have individually or cumulatively on land use patterns; and (3) recommendations regarding responsible growth made to the Commissioner of Public Health by the Secretary of the Office of Policy and Management through the Office of Responsible Growth established by Executive Order No. 15 of Governor M. Jodi Rell.

The proposal would also require the Commissioner of Environmental Protection to consider these factors prior to approving an engineering report pursuant to section 7-247; and a municipality to consider such factors prior to establishing a decentralized wastewater management district by ordinance pursuant to section 7-247.

Accordingly we offer the following thoughts:

In the context of section 19a-35a, it is entirely appropriate for the Commissioner of Public Health to consider these factors *when developing regulations*. The regulations would establish and define categories of discharges that constitute alternative onsite sewage treatment systems and establish minimum requirements for such systems that must be met prior to issuing a discharge permit under 22a-430. Promulgation of such regulations under 19a-35a would enable the Commissioner of Public Health to assert regulatory jurisdiction over discharges from alternative onsite sewage treatment systems “categories of discharge that constitute alternative on-site sewage treatment systems with capacities of five thousand gallons or less per day.” However,

requiring consideration of such factors prior to issuing each individual permit under section 22a-430 is impractical and overly resource intensive.

The bill does highlight the significant role of towns in deciding development patterns. However, the responsibility to consider the impacts of development proposals utilizing alternative onsite sewage treatment systems on land use patterns and responsible growth are more appropriately addressed in the context of municipal plans of conservation and development prepared in accordance with section 8-23, regional plans of development prepared in accordance with section 8-35a, the state plan of conservation and development prepared pursuant to chapter 297, and zoning regulations promulgated pursuant to section 8-2 of the general statutes. Collectively, these plans and regulations are already required to consider the protection of existing and potential public surface and ground water supplies, the waters and ecosystem of Long Island Sound, the conservation and restoration of the natural environment and other growth management principles.

Consideration of these factors prior to the approval of specific engineering reports or prior to the establishment of a decentralized wastewater management district pursuant to section 7-247 is also not practical. Section 7-247 is intended to remediate areas within a municipality where a community water pollution problem exists or where such pollution problem can be reasonably expected to occur. The engineering report and establishment of a decentralized wastewater management district described in section 7-247 are required steps in the facilities planning process to remediate the water pollution problem.

The Department remains willing to work with the Committee to address any environmental concerns regarding consistency in permitting of alternative onsite sewage treatment through existing statutory and regulatory authorities.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert La France, at 424-3401.